



General Assembly

January Session, 2017

Committee Bill No. 5210

LCO No. 4313



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**AN ACT CONCERNING VARIOUS PAY EQUITY AND FAIRNESS
MATTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-75 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) No employer shall discriminate in the amount of compensation
4 paid to any employee on the basis of sex. Any difference in pay based
5 on sex shall be deemed a discrimination within the meaning of this
6 section.

7 (b) If an employee can demonstrate that his or her employer
8 discriminates on the basis of sex by paying wages to employees at the
9 employer's business at a rate less than the rate at which the employer
10 pays wages to employees of the opposite sex at such business for equal
11 work on a job, the performance of which requires equal skill, effort and
12 responsibility, and which are performed under similar working
13 conditions, such employer must demonstrate that such differential in
14 pay is made pursuant to (1) a seniority system, but time spent on leave
15 due to a pregnancy-related condition or protected parental, family and

16 medical leave shall not reduce seniority; (2) a merit system; (3) a
17 system which measures earnings by quantity or quality of production;
18 or (4) a differential system based upon a bona fide factor other than
19 sex, such as education, training or experience. Said bona fide factor
20 defense shall apply only if the employer demonstrates that such factor
21 (A) is not based upon or derived from a sex-based differential in
22 compensation, and (B) is job-related and consistent with business
23 necessity. Such defense shall not exist where the employee
24 demonstrates that an alternative employment practice exists that
25 would serve the same business purpose without producing such
26 differential and that the employer has refused to adopt such
27 alternative practice.

28 (c) No employer shall discharge, expel or otherwise discriminate
29 against any person because such person has opposed any
30 discriminatory compensation practice or because such person has filed
31 a complaint or testified or assisted in any proceeding pursuant to
32 section 31-76.

33 (d) No employer shall be permitted to inquire about a prospective
34 employee's wage and salary history before an offer of employment
35 with compensation has been negotiated and made to the prospective
36 employee unless a prospective employee has voluntarily disclosed
37 such information.

38 (e) It shall be an affirmative defense in any action against an
39 employer alleging a violation of subsection (a) of this section that the
40 employer, within the previous three years and prior to the
41 commencement of the action, has completed a self-evaluation of its pay
42 practices in good faith and can demonstrate that reasonable progress
43 has been made to eliminate wage differentials based on gender for
44 comparable work. An employer shall not use an employee's prior
45 wage and salary history as a defense to such action.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2017	31-75
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Statement of Purpose:

To strengthen provisions of the law concerning pay equity and fairness.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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 SEN. OSTEN, 19th Dist.; REP. WINKLER, 56th Dist.
 REP. GENTILE, 104th Dist.; REP. SERRA, 33rd Dist.
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H.B. 5210